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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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RICHARD NEY

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06/21/2006

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EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/379,385

Applicant(s)

NEY ET AL.

Examiner

Thomas A. Dixon

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment of 9 March 2006 has been considered, applicant did not respond to the 112 rejections of the dependent claims, they are maintained, and new 112 rejections made in response to applicant's amendments.

Applicant's arguments regarding the "determining" are only applicable to claims 1 and 27 as claims 14 and 28 do not contain the limitation, the arguments that Kuhn does not disclose the determining are not convincing. With each call that is received a determination is made to modify the agent's cumulative record by adding a call or not add a call.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Objections

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3. Claims 1, 14 are objected to because of the following informalities:

Claim 1, line 8, it appears that a comma should follow the word contributes.

Claim 14, the comma after the word process, is confusing as it occurs before a period, and it is unclear if another modifying phrase is to follow it.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,5,6,12,14,25,27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 1.

It is unclear how the cumulative record is identified.

As per Claim 5.

It is unclear how the key is constructed, utilizing interaction information that is mapped to the cumulative record.

As per Claim 6.

It is unclear how the cumulative record is identified.

As per Claims 12, 25.

It appears that the word "data" might actually be referring to "date," further, page 21 of the specification support the word "date" but do not support the term "data"

As per Claim 14.

It is unclear how the cumulative record is identified, the phrase "to receive an interaction record including information describing a customer interaction and to identifying a cumulative record" is confusing.

As per Claim 27.

It is unclear how the cumulative record is identified. The phrase "determining" is unclear it appears it may actually be "determine".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-4, 6-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuhn (6,263,049).

As per Claim 1.

receiving an interaction record including interaction information describing a customer interaction, see column 7, lines 10-43 and figure 3;

identifying a cumulative record to which the interaction contributes, see column 7, lines 31-43;

determining how a first entry of a plurality of entries of the cumulative record is to be modified to reflect the interaction information within the interaction record based upon a data operation associated with the first entry, see column 7, lines 35-43 and column 8, lines 3-8; and

modifying the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

As per Claim 2.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing time information included within the interaction information, see column 7, lines 16-25.

As per Claim 3.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing data type information included within the interaction information, see column 7, lines 16-25.

As per Claim 4.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing source information identifying a customer interaction system on which the customer interaction described by the interaction information occurred, see column 7, line 664 – column 8, line 40.

As per Claim 6.

Kuhn ('049) further discloses the plurality of cumulative records comprising a series of rows and columns, see figure 3.

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As per Claim 7.

Kuhn ('049) further discloses the interaction information comprises a plurality of information items and the modification of the cumulative record comprises performing a data operation with respect to the cumulative record, see column 7, lines 10-43.

As per Claim 8.

Kuhn ('049) further discloses each of the processed information items being assigned to a respective column within a result set consisting of a plurality of records, each of the columns of the result set having a respective data operation associated therewith, see figure 3.

As per Claim 9.

Kuhn ('049) further discloses a data operation associated with the respective column comprises a copy operation, see figure 3 (322 Edit pulldown).

As per Claim 10.

Kuhn ('049) further discloses the cumulative record contains interaction derived from a plurality of records for a predetermined time, see figure 5 (504, 508).

As per Claim 11.

Kuhn ('049) further discloses the cumulative record is stored within a database as part of a summarization record of customer interactions over a predetermined time, the summarization record comprising a plurality of cumulative records, see figure 3 and column 8, lines 36-48.

As per Claim 12.

Kuhn ('049) further discloses the interaction information includes, see figure 3, source (312), date (316), time (316) and talk time (318).

As per Claim 13.

Kuhn ('049) further discloses the customer interaction system comprises an automatic call distributor, see column 4, lines 4-17, and a computer telephony integration server, see column 4, lines 18-22.

As per Claim 14.

Kuhn ('049) discloses:

a first process to receive a first record including interaction information describing a customer interaction and to identify a cumulative record to which the interaction contributes, see column 7, lines 10-43 and figure 3; and

a second process to modify the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

As per Claim 15.

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Kuhn ('049) further discloses the identification of the cumulative record is made utilizing time information included within a first record, see column 7, lines 16-25.

As per Claim 16.

Kuhn ('049) further discloses the information of the cumulative record is made utilizing data type information included within the interaction information, see column 7, lines 16-25.

As per Claim 17.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing source information identifying a customer interaction system on which the customer interaction described by the interaction occurred, see column 7, line 64 – column 8, line 40.

As per Claim 18.

Kuhn ('049) further discloses the identification of the cumulative record includes constructing a key, utilizing interaction information that is mapped to the cumulative record, see column 7, lines 10-43.

As per Claim 19.

Kuhn ('049) further discloses the plurality of cumulative records comprising a series of rows and columns, see figure 3.

As per Claim 20.

Kuhn ('049) further discloses the interaction information comprises a plurality of information items and the modification of the cumulative record comprises performing a data operation with respect to the cumulative record, see column 7, lines 10-43.

As per Claim 21.

Kuhn ('049) further discloses each of the processed information items being assigned to a respective column within a result set constituting a plurality of records, each of the columns of the result set having a respective data operation associated therewith, see figure 3.

As per Claim 22.

Kuhn ('049) further discloses a data operation associated within the respective column comprises a copy operation, see figure 3 (322 Edit pulldown).

As per Claim 23.

Kuhn ('049) further discloses the cumulative record contains interaction information derived from a plurality of records for a predetermined time, see figure 5 (504, 508).

As per Claim 24.

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Kuhn ('049) further discloses the cumulative record is stored within a database as part of a summarization record of customer interactions over a predetermined time, the summarization record comprising a plurality of cumulative records, see figure 3, and column 8, lines 36-48.

As per Claim 25.

Kuhn ('049) further discloses the interaction record includes, see figure 3, source (312), date (316), time (316) and talk time (318).

As per Claim 26.

Kuhn ('049) further discloses the customer interaction system comprises an automatic call distributor, see column 4, lines 4-7 and a computer telephony integration server, see column 4, lines 18-22.

As per Claim 27.

Kuhn ('049) discloses:

receiving an interaction record including interaction information describing a customer interaction, see column 7, lines 10-43 and figure 3;

identifying a cumulative record to which the interaction contributes, see column 7, lines 31-43;

determining how a first entry of a plurality of entries of the cumulative record is to be modified to reflect the interaction information within the interaction record based upon a data operation associated with the first entry, see column 7, lines 35-43 and column 8, lines 3-8; and

modifying the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

As per Claim 28.

Kuhn ('049) discloses:

a first means to receive a first record including interaction information describing a customer interaction and to identify a cumulative record to which the interaction contributes, see column 7, lines 10-43 and figure 3; and

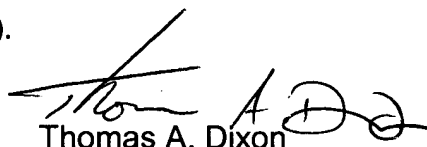
a second means to modify the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thomas A. Dixon', with a stylized flourish at the end.

Thomas A. Dixon
Primary Examiner
Art Unit 3639

June 06